

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**JAMES J. MALOT et al**  
Plaintiffs,

**CIVIL NO. 03-1185 (DRD)**

v.

**DORADO BEACH COTTAGES et. al.,**  
Defendants.

**ORDER**

<b>MOTION</b>	<b>RULING</b>
<p><b>Date</b> <b>Filed:</b> 11/08/05 <input type="checkbox"/> <b>Plff</b> <span style="float: right;"><input checked="" type="checkbox"/> <b>Deft</b></span> <input type="checkbox"/> <b>Other</b></p> <p><b>Title:</b> MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO FED.R.CIV.P. 41(a)(2)</p> <p><b>Docket No. 112</b></p>	<p><b>GRANTED.</b> Defendants, Dorado Beach Cottages Associates S. en C. por A., S.E., PT Cottages, Inc.; Daniel W. Shelley; Sonia Shelley, and the conjugal partnership established between them filed a notice of voluntary dismissal in consideration of the possibility that, if the First Circuit Court of Appeals were to reverse the dismissal of plaintiffs' claims, defendants would then reinstate the herein counter-claim. The Court hereby <b>GRANTS</b> defendants' request and <b>DISMISSES WITHOUT PREJUDICE</b> all claims against plaintiffs in the instant case pursuant to Fed.R.Civ.P. 41(a)(2).</p> <p>Judgment will be issued accordingly.</p>

**Date: November 15, 2005**

S/ Daniel R. Dominguez  
**DANIEL R. DOMINGUEZ**  
**U.S. DISTRICT JUDGE**